

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Confirmation No.: 9481

Kenji KUWABARA et al.

Date: November 21, 2008

Serial No.: 10/780,225

Group Art Unit: 2193

Filed: February 17, 2004

Examiner: William H. WOOD

For: METHOD OF CONVERTING SOFTWARE PROGRAM FOR SINGLE
PROCESSOR TO SOFTWARE PROGRAM FOR MULTIPROCESSOR

VIA EFS WEB
Mail Stop 16 (Refund Section)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND


Sir:

We are requesting a refund of \$930.00 for an overcharge in connection with an extension of time fee. On September 24, 2007 an Office Action was issued in the above-identified application. On December 26, 2007, Applicants filed a Response via the EFS Web. See Response and Electronic Filing Receipt attached. Therefore, a fee for a Petition for Extension of Time for one month was then due, although not paid at that time. However, on January 14, 2008 our Deposit Account No. 15-0700 was charged \$1,050.00 under Fee Code 1253 for a three month extension of time. See copy of Deposit Account Statement attached. Applicant believes this to be an overcharge of two months' extension of time fee and a refund is respectfully requested.

Therefore, it is requested that a refund of \$930.00 be deposited to our Deposit Account No. 15-0700.

Respectfully submitted,

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE UNITED STATES
PATENT AND TRADEMARK OFFICE
EFS FILING SYSTEM
ON NOVEMBER 21, 2008


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UNITED STATES PATENT AND TRADEMARK OFFICE

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FINA

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|-------------|---------|
| Account No. | 150700 |
| Date | 1-31-08 |
| Page | 1 |

PLEASE SEND REMITTANCES TO:
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Call the Deposit Account Branch at 571-272-6500 for assistance.

| DATE POSTED MO, DAY, YR. | CONTROL NO. | DESCRIPTION (Serial, Patent, TM, Order) | DOCKET NO. | FEE CODE | CHARGES/ CREDITS | BALANCE |
|--|----------------|--|----------------------------|---------------|---------------------|-----------------|
| 1 2 08 | 52 | 10527000 | P/189-374 | 2253 | 525.00 | |
| 1 2 08 | 5 | 10091194 | IR-1853 | 1811 | 100.00 | |
| 1 3 08 | 5423 | 11978409 | IR-3229 (2-6332) | 8021 | 40.00 | |
| 1 3 08 | 22 | SUBSCRIPTION | | 8001 | 105.00 | |
| 1 7 08 | 9862 | 11983827 | IR-2997 (2-6303) | 8021 | 40.00 | |
| 1 7 08 | 10253 | 77223676 | T/3585-42 (EU), 43 (HK), | 8507 | 60.00 | |
| 1 7 08 | 10271 | 77317749 | T/1493-561 | 8507 | 15.00 | |
| 1 8 08 | 8 | 11787234 | IR-3471 (2-6095) (REISSUE) | 1253 | 930.00 | |
| 1 8 08 | 2 | 10843827 | P/1071-1605 | 1201 | 210.00 | |
| 1 9 08 | 1 | 1417315 | | 6207 | 100.00 | |
| 1 9 08 | 87 | PCT/US07/14235 | P/10-957 PCT | 1606 | 16.00 | |
| 1 9 08 | 93 | PCT/US07/13235 | P/10-930 | 1705 | 16.00 | |
| 1 10 08 | 5 | 10471125 | P/3610-39 | 1252 | 460.00 | |
| 1 10 08 | 17 | SUBSCRIPTION | | 8001 | 168.00 | |
| 1 10 08 | 8944 | 3345641 | T/3687/79 | 8503 | 15.00 | |
| 1 11 08 | 1 | 11753319 | P/1071-1634 V4022 | 1251 | 120.00 | |
| 1 11 08 | 82 | PCT/US07/14312 | P/10-959 PCT | 1705 | 16.00 | |
| 1 11 08 | 85 | PCT/US07/14311 | P/10-962 | 1705 | 16.00 | |
| 1 11 08 | 88 | PCT/US07/14236 | P/10-963 | 1705 | 16.00 | |
| 1 11 08 | 91 | PCT/US07/14238 | P/10-960 | 1705 | 16.00 | |
| 1 11 08 | 284 | PCT/US07/14237 | P/10-961 | 1705 | 16.00 | |
| 1 14 08 | 1 | 10780225 | P/1905-108 | 1253 | 1050.00 | |
| 1 14 08 | 10093 | 11947517 | P/3426-174 | 8007 | 20.00 | |
| 1 14 08 | 67 | 10583011 | P/3610-70 | 1814 | 130.00 | |
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| 1 15 08 | 2 | 11265489 | | 9204 | -790.00 | |
| 1 15 08 | 3 | 11265489 | IR-2702 (2-3940) | 1801 | 790.00 | |
| 1 15 08 | 3 | 10114962 | P/3560-3 | 1252 | 340.00 | |
| 1 15 08 | 8298 | 0180410832 | P/10-1123 | 8014 | 25.00 | |
| 1 15 08 | 8299 | 0180410832 | P/10-1123 | 8023 | 40.00 | |
| 1 15 08 | 8312 | 0178840375 | P/10-1035 | 8023 | 40.00 | |
| 1 15 08 | 8314 | 0178840375 | P/10-1035 | 8014 | 25.00 | |
| 1 15 08 | 8343 | 0168260716 | P/10-1043 | 8014 | 25.00 | |
| 1 15 08 | 8344 | 0168260716 | P/10-1043 | 8023 | 40.00 | |
| 1 15 08 | 8422 | 0185260099 | P/10-1025 | 8014 | 25.00 | |
| 1 16 08 | 406 | 0182920072 | : P/10-1093 | 8014 | 25.00 | |
| AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT | | | OPENING BALANCE | TOTAL CHARGES | TOTAL CREDITS | CLOSING BALANCE |

*** O.D. INDICATES OVERDRAWN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Confirmation No.: 9481

Kenji KUWABARA, et al.

Date: December 26, 2007

Serial No.: 10/780,225

Group Art Unit: 2193

Filed: February 17, 2004

Examiner: William WOOD

For: METHOD OF CONVERTING SOFTWARE PROGRAM FOR SINGLE
PROCESSOR TO SOFTWARE PROGRAM FOR MULTIPROCESSORVIA EFS-WEB

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

AMENDMENT UNDER 37 C.F.R. §1.111

Sir:

This Amendment under 37 C.F.R. §1.111 is responsive to the non-final Office Action mailed September 24, 2007 in the above-identified application. Reconsideration is respectfully requested.

FEE CALCULATION

Any additional fee required has been calculated as follows:

_____. If checked, "Small Entity" status is claimed.

| NO. CLAIMS AFTER AMENDMENT | | HIGHEST NO. PREVIOUSLY PAID FOR | | | EXTRA PRESENT | | RATE | ADDIT. FEE |
|--|----|---------------------------------------|----|------|---------------|---|-------------------|---------------|
| TOTAL | 15 | MINUS | 26 | * = | 0 | X | (\$25 SE or \$50) | \$-0- |
| INDEP. | 1 | MINUS | 3 | ** = | 0 | X | (\$105 or \$210) | \$-0- |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM | | | | | | X | (\$185 or \$370) | \$-0- |

If any additional payment is required, credit card payment in the amount of \$_____ is submitted via EFS-WEB.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.—

CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

SUMMARY OF AMENDMENTS

1. ____ If checked, an abstract (an amended abstract) is submitted herewith.
2. ____ If checked, amendment(s) to the drawings are submitted herewith.
3. ____ If checked, amendment(s) to the specification are submitted herewith.
4. ☒ If checked, amendments to the claims are submitted herewith.

LISTING OF THE CLAIMS

This listing of the claims replaces all prior claim versions and listings in the application:

1. **(Currently Amended)** A method of converting a software program for a single processor to a software program for a multiprocessor, the method comprising the steps of:
allocating a source file compiled from the software program to each processor by an object file unit; [[and]]

preparing an ~~exeeute~~ executable form program for operating software running on a single memory space on the multiprocessor for each processor;

exception processing for a refer requester processor, by detecting an occurrence of a refer request, to variables arranged on a memory space managed by another processor during running of the executable form program; and

sending the refer request to a requested processor;

returning refer results, by the requested processor referring to the variables, to the refer requester processor; and

emulation-executing by the refer requester processor a variable refer command from the returned refer results to return to the next command from the exception processing.

2. **(Currently Amended)** The method of converting the software program for the single processor to the software program for the multiprocessor according to claim 1, further comprising the step of: disposing the ~~exeeute~~ executable form program mounted on the memory space to be managed by each processor in such a manner that addresses are prevented from being duplicated among the processors.

3. **(Canceled)**

4. **(Currently Amended)** The method of converting the software program for the single processor to the software program for the multiprocessor according to claim 1 or 2, further comprising the steps of: ~~starting exception processing possessed by the processor which is a write requester to detect that there occurs a request for write into variables arranged on a~~

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memory-space managed by another processor during running of the execute form program; and sending the write request to an appropriate processor, wherein the processor which has received the write request writes the variables, and the processor which is the write requester returns to the next command from the exception processing

wherein the refer request is a write request for writing into the variables.

5. (Currently Amended) The method of converting the software program for the single processor to the software program for the multiprocessor according to claim 1 or 2 4, further comprising the steps of: starting exception processing possessed by the processor which is a write requester to detect that there occurs a request for write into variables arranged on a memory space managed by another processor during running of the execute form program; and sending the write request to an appropriate processor, wherein the processor which has received the write request writes the variables to return write results to the write requester, and the processor which is the write requester returns to the next command from the exception processing

wherein the requested processor returns as write results the returned refer results to the refer request processor.

6. (Currently Amended) The method of converting the software program for the single processor to the software program for the multiprocessor according to claim 1 or 2, further comprising the steps of: starting exception processing possessed by the processor which is a call requester to detect that there occurs a call request for functions arranged on a memory space managed by another processor during running of the execute form program; and sending the call request to an appropriate processor, wherein the processor which has received the call request calls the functions to return call results to the call requester, and the processor which is the call requester emulation executes a function call command from the returned results to return to the next command from the exception processing

wherein the refer request is a call request for functions arranged on the memory space managed by the other processor, and the refer requester processor emulation executes a function call command from the returned refer results.

7. **(Currently Amended)** The method of converting the software program for the single processor to the software program for the multiprocessor according to claim [[3]] 1, further comprising: ~~communication~~ communicating between the processors in which communication including processing request transmission and processing result return via the exception processing ~~is possible~~ occurs.

8. **(Previously Presented)** A cellular phone in which the software program for the multiprocessor converted by the method according to claim 1 is installed.

9. **(Currently Amended)** The method of converting the software program for the single processor to the software program for the multiprocessor according to claim 4[[.]], further comprising: ~~communication~~ communicating between the processors in which communication including processing request transmission and processing result return via the exception processing ~~is possible~~ occurs.

10. **(Currently Amended)** The method of converting the software program for the single processor to the software program for the multiprocessor according to claim 5, further comprising: ~~communication~~ communicating between the processors in which communication including processing request transmission and processing result return via the exception processing ~~is possible~~ occurs.

11. **(Previously Presented)** A cellular phone in which the software program for the multiprocessor converted by the method according to claim 2 is installed.

12. **(Canceled)**

13. **(Previously Presented)** A cellular phone in which the software program for the multiprocessor converted by the method according to claim 4 is installed.

14. (Previously Presented) A cellular phone in which the software program for the multiprocessor converted by the method according to claim 5 is installed.

15. (Previously Presented) A cellular phone in which the software program for the multiprocessor converted by the method according to claim 6 is installed.

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated September 24, 2007.

Claims 3 and 12 are canceled without prejudice or disclaimer. Therefore, claims 1, 2, 4-11 and 13-15 are the claims currently pending in the present application.

Claims 1 and 4-6 are amended to clarify features recited thereby and to remove redundant recitations. Further, claim 7 is amended so that it depends from claims still pending in the present application.

Applicant thanks the Examiner for acknowledging review and consideration of the references cited in the Information Disclosure Statements filed on February 17, 2004 and May 2, 2006.

Rejection of Claims 1-15 under 35 U.S.C. §102

Claims 1-15 are rejected under 35 U.S.C. §102 as being anticipated by Martin (6,438,746). Reconsideration of this rejection is respectfully requested.

Claim 1 requires exception processing by detecting an occurrence of a refer request to variables arranged on a memory space managed by another processor during running of the executable form program.

Without intending to limit the scope of Applicant's invention, an effect or advantage according to an aspect of applicants' invention as claimed in claim 1, is that after source files are compiled, object files are arranged by a linker 4 into groups for each processor (Specification, page 13; Fig. 6), and when a variable with an address in the memory space managed by another processor is encountered during running of the executable form program, exception processing as recited in claim 1 is performed.

Martin discloses a compiler or a pre-compiler for a distributed object system in which the comment fields in an object-oriented language are used for functional requirements interpreted by a pre-compiler to take into account system data for host computers of the distributed system (Martin, Abstract). Martin discloses that a source program written in a computing language includes first statements that are compilable by other compilers, and second statements on which a compiler or a pre-compiler operates are included; these second statements are ignored by the other compilers during compilation so that the program can be adapted for a multi-processor

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operation (Martin, column 2, lines 14-23). Martin discloses that the second statements to be ignored by the other compilers may be written in comment fields of the source program so that functionality could be incorporated directly into a re-written compiler (Martin, column 2, lines 23-29).

Martin does not disclose or suggest any kind of exception processing during run time of the executable form program, as required by claim 1. As discussed, Martin is directed to selective compilation of a source program written in an object-oriented computing language, such as C++. In point of fact, Martin does not disclose processing an executable form program during run time at all. Claim 1 makes clear that the executable form program is a compiled program.

Further, Martin does not disclose or suggest detecting an occurrence of a refer request to variables arranged on a memory space managed by another processor during running of the executable form program, as further required by claim 1. Accordingly, Martin does not disclose or suggest the recitations of claim 1.

Claims 2, 4-11 and 13-15 depend from claim 1 and are therefore patentably distinguishable over the cited art for at least the same reasons.

In view of the foregoing discussion, withdrawal of the rejection and allowance of the claims of the application are respectfully requested.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE UNITED STATES
PATENT AND TRADEMARK OFFICE
EFS FILING SYSTEM
ON DECEMBER 26, 2007

Respectfully submitted,

Max Morawitz
COPY

MAX MORAWITZ

Registration No.: 30,576

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

Electronic Acknowledgement Receipt

| | |
|---|---|
| EFS ID: | 2640197 |
| Application Number: | 10780225 |
| International Application Number: | |
| Confirmation Number: | 9481 |
| Title of Invention: | Method of converting software program for single processor to software program for multiprocessor |
| First Named Inventor/Applicant Name: | Kenji Kuwabara |
| Customer Number: | 2352 |
| Filer: | Max Moskowitz/Cheryl Godfrey |
| Filer Authorized By: | Max Moskowitz |
| Attorney Docket Number: | P/1905-108 |
| Receipt Date: | 26-DEC-2007 |
| Filing Date: | 17-FEB-2004 |
| Time Stamp: | 16:04:26 |
| Application Type: | Utility under 35 USC 111(a) |

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File Listing:

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| 1 | | 00891907.pdf | 288453 d215a6ba27990c984c2a5e03066ee90 026f20548 | yes | 8 |

| | Multipart Description/PDF files in .zip description | | |
|--|---|-------|-----|
| | Document Description | Start | End |
| | Amendment - After Non-Final Rejection | 1 | 2 |
| | Claims | 3 | 6 |
| | Applicant Arguments/Remarks Made in an Amendment | 7 | 8 |

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.